



HW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: HELYNNE SMITH
SERIAL NO.: 10/633,782
FILED: August 4, 2003
FOR: BUSINESS METHOD BOARD GAME AND METHOD FOR
PLAYING THE SAME
**GROUP ART
UNIT:** 3711
EXAMINER: VISHU K. MENDIRATTA

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on April 10, 2007.

Arthur M. Peslak

(Name of Person Signing Certificate)

[Signature]
(Signature and Date)

REQUEST FOR STATUS OF MATTER

Hon. Commissioner of Patents
and Trademarks
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant, through her undersigned counsel, hereby respectfully requests a status report regarding Applicant's Request for Reconsideration of a Petition Decision filed on July 13, 2006 and the response mailed on February 6, 2007.

Applicant filed a Petition relating to the January 10, 2006 Office Action which was not received in a timely manner. A response to this petition dated October 5, 2006 was received in

this office on October 18, 2006 along with a Notice of Abandonment. In response to the Notice of Abandonment, a Renewed Petition Under 37 CFR 1.181 was filed on November 6, 2006 along with a Request for Reconsideration of Decision on Petition. In response to the Renewed Petition Under 37 CFR 1.181, a response dated February 6, 2007 was received by this office. In that Decision, the Petition was granted. The response then went on to say:

The application file is being referred to Technology Center 3700 technical support staff for remailing of the Office Action mailed on 10 January 2006. The period for reply will be reset from the mailing date thereof.

A copy of the Decision is attached hereto as Exhibit 1. The **remailed** Office Action has not been received by this office. Several telephone conversations with Mr. Wood, Mr. Kim and Mr. Mendiratta have not produced a copy of this Office Action. We have been told that the response was mailed March 7, 2007 but it has never been received in this office.

Your assistance in getting us a copy of this Office Action would be greatly appreciated.

If a conversation with the undersigned would be of help, I can be reached at (732) 761-1610.

April 10, 2007
Freehold, New Jersey

By: 

Arthur M. Peslak, Esq.
Reg. No. 35,642
Attorney for Applicant

MANDEL & PESLAK, LLC
80 Scenic Drive, Suite 5
Freehold, New Jersey 07728

EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Feb-07

ARTHUR M. PESLAK, ESQ.
MANDEL & PESLAK, LLC
SUITE 5
80. SCENIC DRIVE
FREEHOLD NJ 07728



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FEB 06 2007

OFFICE OF PETITIONS

In re Application of :
Helynn Smith :
Application No. 10/633,782 : ON PETITION
Filed: 4 August, 2003 :
Atty Docket No. SMITH-H :

This is a decision on the "RENEWED PETITION UNDER 37 CFR 1.181,"
filed on 13 November, 2006 (certificate of mailing date 6
November, 2006.

This application became abandoned on 11 June, 2006, for failure
to timely submit a reply to the final Office action mailed on 10
January, 2006, which set a three (3) month shortened statutory
period for reply. A two (2) month extension of time was filed on
13 July, 2006 (certificate of mailing date 7 July, 2006). The
petition filed on 13 July, 2006 was dismissed on 5 October, 2006.
Notice of Abandonment was mailed on 16 October, 2006.

In the present renewed petition, petitioner again requests that
the Office withdraw the holding of abandonment due to non-receipt
of the Office action mailed on 10 January, 2006.

A review of the record indicates no irregularity in the mailing
of the Office communication mailed on 10 January, 2006, and in
the absence of any irregularity in the mailing, there is a strong
presumption that the Office action was properly mailed to the
address of record. This presumption may be overcome by a showing
that the Office action was not in fact received. The showing
required to establish non-receipt of an Office communication must
include a statement from the practitioner, stating that the
practitioner did not receive the Office communication and
attesting to the fact that a search of the file jacket and docket
records indicates that the Office communication was not received.
A copy of the docket record where the non-received Office

communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹ For example, if a three month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action.

Petitioner has provided a statement by the practitioner, Arthur M. Pelsak, stating that counsel reviewed the docket report, but that the docket report indicates that the Office action was not received. A copy of the docket report has been included with and referenced in the practitioner's statement.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is GRANTED.

The application file is being referred to Technology Center 3700 technical support staff for remailing of the Office action mailed on 10 January, 2006. The period for reply will be reset from the mailing date thereof.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

571-272-3282

¹ M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).